

**Windsor Town Council  
Council Chambers – Town Hall  
March 5, 2007  
Approved Minutes**

Mayor Trinks called the regular meeting to order at 7:34 p.m.

1. Roll Call – Present: Mayor Trinks, Deputy Mayor Curtis, Councilor Gegetskas, Councilor Herzfeld, Councilor Jepsen, Councilor McDonald, Councilor Moreton, Councilor Mulligan and Councilor Simon
2. Prayer – Councilor Jepsen
3. Pledge of Allegiance – Councilor Jepsen
4. Proclamations/Awards

None.

5. Public Communications and Petitions

Mr. John Pier, 1006 Windsor Avenue, addressed the Council regarding the newsboxes. It's important that we move on this issue if we are going to clean up the center and other parts of town. Not only are these boxes eyesores, but they are dangerous. He suggested not having 120 days in the grandfather position. He would settle for 90 days. He is concerned about having boxes that are still too close to the edge of the road. If we enforce the existing no parking, no stopping in front of the boxes, we would eliminate a lot of congestion.

Mr. Paul Guggiena, attorney representing the *Tribune/Hartford Courant*, spoke to the Council about the newsrack ordinance. They appreciate that the town recognizes that the important issue is the rights of the citizens in town, which goes hand in hand with the newspaper's right to distribute papers. There are ways that this ordinance could be better and they will be at the public hearing.

6. Report of Appointed Boards and Commissions

- A. Board of Education

Mr. Adam Gutcheon, Board of Education, reported to the Council. The CMT and CAPT testing has begun. The Board will be getting another banner for the gym for the Unified Basketball team for kids with disabilities and non-disabled kids working together. The Board adopted the budget last Tuesday. It is a 3.74% increase or \$56.8 million over last year's budget. The proforma increase would have resulted in a 4.89% increase if services remained the same. There is a lot of shifting of resources going on, and the Board is constantly evaluating programs. The changes in the transportation contract

saved \$160,000. Of that, \$76,000 will be placed toward major maintenance and a 0.5 time residency officer.

Councilor Herzfeld asked if the budget passes successfully, what would major maintenance be. Mr. Gutcheon responded that major maintenance would be \$325,000.

Councilor Jepsen asked if something with the renovation caused the power outage. Mr. Gutcheon replied that it has been referred to the Public Building Commission, and it has been repaired.

Councilor Mulligan reminded everyone that the 9/11 memorial is at the high school and was featured in the newspaper. It is now listed on a "9/11 Memorial" website. Last Friday, Councilor Mulligan was in Washington DC and was told that 97,000 hazard radios were distributed to public schools. He requested that Mr. Gutcheon verify that the schools have received them and that they are functional.

#### B. Board of Ethics

Mr. George Griffin, Chairperson, Board of Ethics, reported to the Council. They have not had much activity. Within the last six months, there were two issues which were given an advisory opinion with the outcome being that there were no conflicts. The Board of Ethics is presently preparing to submit additions/revisions to the Ethics Code. They are considering the issue regarding whether or not they should allow the general public to come directly to the Board of Ethics with complaints. They expect to have the changes made by the end of the summer.

Councilor Jepsen asked how the two issues came to the Board of Ethics. Mr. Griffin responded that the two issues came through the Town Manager's office.

#### 7. Town Manager's Report

##### **Student Artwork at Town Hall**

March is "Student Art Month" and displays of artwork from Windsor Public School students of all ages are currently displayed throughout the building. On Thursday, March 22<sup>nd</sup>, a reception will be held from 5:00 p.m. to 7:00 p.m. in the Town Hall Council Chambers. The public is welcome to view the art during Town hall business hours from 8:00 a.m. to 5:00 p.m. throughout the month of March. For more information, call 285-1835.

##### **Northwest Park Pancake Breakfast**

Join the volunteers of the Friends of Northwest Park on Saturday March 24<sup>th</sup> from 8:00 a.m. to 11:00 a.m. at the annual Northwest Park Pancake Breakfast. A full breakfast of pancakes and sausage smothered in 100% pure maple syrup made right at the park will be available. Tickets are \$5.00 for adults and \$4.00 for children. Call 285-1886 to make a reservation.

## **Public Hearing on the Budget**

Members of the public are invited to participate in a public hearing on Tuesday, April 3, 2007 at 7:15 PM to provide input on the FY 08 budget.

Councilor Herzfeld asked about the flooding. Town Manager Souza said that it was limited compared to a couple of years ago. There was one portion of a neighborhood that had yard flooding as well as basement flooding in five or six houses.

### 8. Communication from Council Members

Councilor Gegetskas – none.

Councilor Herzfeld – requested that the budget is presented with full restoration of library hours.

Councilor Jepsen – said we need to definitely see what the outcome of SummerWind will be or what can be done with that organization before we start spending the money on something else. According to state law, the Board of Education has a role to play in union negotiations. He is hesitant to endorse negotiations of Councilors with unions. Some Councilors are not qualified to negotiate with unions. That is why we hired the Town Manager.

Councilor McDonald – on Thursday, March 15<sup>th</sup>, Windsor Community Television will be having their celebration at Windsor Library. For more information, contact Ann Walsh at 688-5821.

Councilor Moreton – agreed with Councilor Simon about having Council representatives being a part of contract negotiations. She is also in support of using the \$150,000 for the Open Space fund pending approval of that policy.

Councilor Mulligan – none.

Councilor Simon – said municipal union employee contracts are due to be renegotiated. He is impressed with the Board of Education process, which includes elected officials. Elected officials bring a needed perspective. He suggested that the Council be involved in the negotiations. Money has been encumbered from the General Fund in the amount of \$150,000 for the SummerWind amphitheater. Recent information has revealed that this money may be available again. If it does become available in the future, he suggests that it goes towards the Open Space fund, conditional on approval of an Open Space fund policy.

Deputy Mayor Curtis – also agrees that the Council should be involved in contract negotiations. There were a few newspaper articles about Windsor High School art students, which were nominated for art awards. The top honor was given to a Windsor senior and the other four received honorable mention. A project named “WOW”, a

mural project at Windsor High School (WHS), is a theme mural related to different areas at the high school.

Mayor Trinks – WHS took the prize with the homebuilder competition. He thanked the readers who participated Tuesday in Read Across America. He thanked Public Works, Police and Emergency staff and Ms. Emily Moon, during the Town Manager's absence, who were all quick to respond.

9. Reports of Standing Committees

A. Finance Committee - None.

B. Town Improvements Committee – None.

C. Health and Safety – met and came to an agreement for the newsrack ordinance. The next meeting is March 20<sup>th</sup> for presentations from the Police, Fire and Ambulance departments to hear budget requests.

D. Special Projects – will meet on March 14<sup>th</sup>.

E. Joint Board of Education and Town Council Committee – None.

F. Personnel Committee – None.

10. Ordinances

None.

11. Unfinished Business

None.

12. New Business

A. Introduce Capital Improvements Program for FY 2008 – FY 2013

Town Manager Souza discussed the Capital Improvements Program for FY 2008 – FY 2013.

Mayor Trinks referred the proposed plan to the Town Improvements Committee for review and consideration.

B. Introduce an ordinance regulating newsracks

RESOLVED by Councilor Moreton, seconded by Councilor McDonald that the reading into the minutes of the text of the ordinance entitled, "AN ORDINANCE REGULATING NEWSRACKS" is hereby waived, the full text of the ordinance having been distributed

to each member of the Council and copies made available to those persons attending this meeting; and the full text of the ordinance be recorded with the minutes of this meeting”.

A proposed ordinance has been drafted to enable the town to better control the placement and condition of newsracks. This ordinance provides uniform guidelines for newsracks and helps to regulate the installation, operation and maintenance of newsracks in the public rights-of-way. Staff, vendors and the Health and Safety Committee collaborated on the development of the proposed ordinance.

The Health and Safety Committee approved this ordinance on February 6, 2007 and recommended that it be considered by Town Council for adoption.

Councilor Jepsen asked if this affects only newsracks placed on public property, specifically if the newsracks were placed on the post office's property. He is not in favor of this ordinance at this point. Town Manager Souza said it is his understanding that the newsracks near the post office are placed on the public right-of-way.

Deputy Mayor Curtis said that they waited on this ordinance to see what came out of the City of Hartford. Their ordinance was reviewed and made some minor changes were made. The document is very similar to Hartford's approved ordinance. This helps to ensure that the town will cut down on challenges by lawyers.

Councilor Simon is glad this issue is coming to a head. These newsboxes are an eyesore and it is needed to clear the public rights-of-way. This ordinance is not setting up a substantial bureaucracy and enforcement is given to the citizens to report any violations.

Councilor McDonald feels that this ordinance is a good balance and he supports this.

Councilor Mulligan asked about Section 9, and asked if the town is going to have a uniform form attached to the boxes. Councilor Moreton said that there is no proposed form, but the information does need to be listed on the box.

Councilor supports this ordinance which strikes a balance. He looks forward to seeing what the townspeople have to say about it and looks forward to passing it.

Councilor Gegetska asked about Section 11 (F) 1-6. He has an issue with the wording "is reasonably free of dirt and grease". That is subjective. He sees a potential problem with that section.

Mayor Trinks also supports this ordinance. He agreed that there is a lot of room for interpretation there. He thanked the counsel from the Tribune for their opinion. It was a collaborative effort.

Motion Passed 9-0-0

Moved by Councilor Moreton, seconded by Councilor McDonald that an ordinance entitled, "AN ORDINANCE REGULATING NEWSRACKS" be introduced.

Motion Passed 8-1-0 (Councilor Jepsen opposed)

- C. Set a Public Hearing for March 19, 2007 at 7:15 p.m. to hear an ordinance regulating newsracks

RESOLVED by Councilor Moreton, seconded by Councilor McDonald that a Public Hearing be scheduled for March 19, 2007 at 7:15 p.m. (prevailing time) on the following ordinance entitled, "AN ORDINANCE REGULATING NEWSRACKS" and "BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to post and publish notice of said Public Hearing."

Motion Passed 9-0-0

- D. Authorize the Town Manager to sign and execute a contract with the Howell Cheney Technical School for nursing students to be utilized at Milo Peck Discovery Center

Resolved, by Deputy Mayor Curtis, seconded by Councilor Moreton that the Town Manager is authorized to sign and execute a contract on behalf of the Town of Windsor with the Connecticut State Department of Education for the purpose of permitting the Windsor Discovery Center to be a practicum site for Howell Cheney Technical School's nursing students.

Town Manager Souza said that the Connecticut State Department of Education is requesting that the Town Manager be authorized to sign a contract to allow the Windsor Discovery Center to be a practicum site for Howell Cheney Technical School's nursing students. The Windsor Discovery Center has been a practicum site for the nursing students at Howell Cheney Technical School's Nursing program for many years. The state has now made it necessary for Howell Cheney Technical School to have a formal contract with the town.

Councilor Jepsen asked if this is due to a new change in state law. Town Manager Souza said that it is due to a new change in state law, however the program has been going on for at least ten years.

Councilor Herzfeld asked if this creates a liability by having them at the facility. Town Manager Souza said that it does not change anything and the town does not incur any liability.

Motion Passed 9-0-0

Moved by Councilor Jepsen, seconded by Councilor Moreton to add Item 12. E. "Reschedule meeting of April 2, 2007 to April 3, 2007."

E. Reschedule April 2, 2007 meeting to April 3, 2007

Moved by Councilor Jepsen, seconded by Councilor Moreton that the public hearing scheduled for April 2, 2007 be rescheduled to April 3, 2007 and the Town Clerk be authorized and directed to post and publish notice of said Public Hearing.

Motion Passed 9-0-0

Moved by Councilor Jepsen, seconded by Councilor Moreton that the Regular Town Council meeting scheduled for April 2, 2007 be rescheduled to April 3, 2007 at 7:30 p.m.

Motion Passed 9-0-0

### 13. Resignations and Appointments

None.

Moved by Deputy Mayor Curtis, seconded by Councilor Jepsen to:

Item D: Appoint Jason D. Seacat as a democratic alternate member to the Conservation Commission for a five year unexpired term to expire November 30, 2010 or until a successor is appointed.

Item G: Reappoint Ikesha Easterling as a democratic member to the Fair Rent Commission for a five-year term to expire March 31, 2010 or until a successor is appointed.

Item K: Reappoint Len Swade as a democratic member to the Human Relations Commission for a three-year term to expire May 31, 2010 or until a successor is appointed.

Item R: Reappoint Michael Raphael as a democratic member to the Library Advisory Board for a three-year term to expire April 30, 2010 or until a successor is appointed.

Motion Passed 9-0-0

### 14. Minutes of Preceding Meetings

#### A. Regular Town Council Meeting Minutes of February 20, 2007

Moved by Councilor Jepsen, seconded by Deputy Mayor Curtis to accept the minutes of the February 20, 2007 Regular Town Council meeting. Corrections: None.

Motion Passed 7-0-2 (Councilors Moreton and Gegetskas abstained because they were not in attendance at the meeting.)

15. Public Communications and Petitions

None.

Moved by Councilor Jepsen, seconded by Councilor Moreton to enter into Executive Session at 8:57 p.m. for the purpose of:

- A. Discussion of strategy and negotiations with respect to pending claims and litigation (Xerox vs. Town of Windsor).
- B. Discussion of strategy and negotiations with respect to pending claims and litigation (Xerox Lease Equipment vs. Town of Windsor).

Motion Passed 9-0-0

16. Executive Session

Present: Mayor Trinks, Deputy Mayor Curtis, Councilor Gegetskas, Councilor Herzfeld, Councilor Jepsen, Councilor McDonald, Councilor Moreton, Councilor Mulligan and Councilor Simon

Staff: Town Manager, Peter Souza; Assistant Town Manager, Emily Moon; Town Assessor, Steve Kosofsky

Guests: Town Attorney, Vincent Oswecki

Moved by Councilor Jepsen, seconded by Councilor McDonald to exit Executive Session and re-enter the Regular Town Council session at 9:07 p.m.

Motion Passed 9-0-0

17. Adjournment

Moved by Councilor Jepsen, seconded by Councilor Moreton to add Item 12. F. Settlement of Xerox vs. Town of Windsor and Xerox Equipment vs. Town of Windsor as discussed during the Executive Session at this point to the agenda.

Motion Passed 9-0-0

- 12. F. Settlement of Xerox vs. Town of Windsor and settlement of Xerox Equipment vs. Town of Windsor as discussed during the Executive Session

RESOLVED by Councilor Jepsen, seconded by Councilor Moreton that the Town Attorney is authorized to settle the Xerox Corporation vs. Town of Windsor tax appeal in accordance with the discussion in Executive Session.

Motion Passed 9-0-0

RESOLVED by Councilor Jepsen, seconded by Councilor Moreton that the Town Attorney is authorized to settle the Xerox Lease Equipment vs. Town of Windsor tax appeal in accordance with the discussion in Executive Session.

Motion Passed 9-0-0

Moved by Councilor Jepsen, seconded by Councilor McDonald to adjourn the Regular Town Council Meeting at 9:10 p.m.

Motion Passed 9-0-0

Respectfully submitted,

Kristin Countryman  
Clerk of the Windsor Town Council

c: Town Clerk  
Main Library  
Wilson Branch